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15	Facsimile: (650) 801-5100		
16			
17	Attorneys for Plaintiff Cisco Systems, Inc.		
18			
19	UNITED STATES DISTRICT COURT		
	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION		
20			
21		CASE NO. 5:14-cv-5344-BLF (PSG)	
22	CISCO SYSTEMS, INC.,	, , ,	
23	Plaintiff,	DECLARATION OF SARA E. JENKINS IN SUPPORT OF CISCO SYSTEMS,	
24	VS.	INC.'S MOTION FOR PROTECTIVE ORDER	
25	ARISTA NETWORKS, INC.,		
26	Defendant.		
	Detenuant.		
27			
28		DECLARATION OF SARA E. JENKINS IN SUPPORT O	

DECLARATION OF SARA E. JENKINS IN SUPPORT OF CISCO SYSTEMS, INC.'S MOTION FOR PROTECTIVE ORDER Case No. 5:14-cv-05344-BLF (PSG)

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I, Sara E. Jenkins, hereby declare as follows:

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- 1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. ("Cisco"). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.
- 2. Attached hereto as Exhibit 1 is a true and correct copy of an excerpt from Cisco Systems, Inc. Form 10-K submission to the United States Securities and Exchange Commission for the fiscal year ending July 25, 2015, accessed at http://investor.cisco.com/investorrelations/financial-information/sec-filings/2015/default.aspx on May 20, 2016.
- 3. Attached hereto as Exhibit 2 is a true and correct copy of an April 7, 2016 email from Elizabeth K. McCloskey, counsel for Arista, to counsel for Cisco with the subject line "Cisco v. Arista: Depositions."
- 4. Attached hereto as Exhibit 3 is a true and correct copy of a April 12, 2016 letter from Amy H. Candido, counsel for Cisco, to Eduardo E. Santacana for Arista.
- 5. Attached hereto as Exhibit 4 is a true and correct copy of an April 12, 2016 letter from Eduardo E. Santacana to Amy H. Candido.
- 6. Attached hereto as Exhibit 5 is a true and correct copy of an April 18, 2016 email from Elizabeth K. McCloskey to John Neukom, counsel for Cisco, et al. and related thread with the subject line "Cisco v. Arista (Hafeez & Pech Depositions)."
- 7. Attached hereto as Exhibit 6 is a true and correct copy of an April 19, 2016 email from Amy Candido to Elizabeth K. McCloskey et al. and related thread with the subject line "RE: Cisco v. Arista (Hafeez & Pech Depositions)."

- 8. Attached hereto as Exhibit 7 is a true and correct copy of a May 4, 2016 email from Elizabeth K. McCloskey to Amy Candido and related thread with the subject line "RE: Cisco v. Arista (Hafeez & Pech Depositions)."
- 9. Attached hereto as Exhibit 8 is a true and correct copy of a May 11, 2016 email from Alisa Thompson, secretary for Arista's counsel, with the subject line "Cisco Systems, Inc., v. Arista Network, Inc.; 5:14-cv-05344-BLF (PSG)" and attached Notice of Deposition of John Chambers.
- 10. Attached hereto as Exhibit 9 is a true and correct copy of a May 17, 2016 email from Amy Candido to Elizabeth K. McCloskey et al. and related thread with the subject line "RE: Cisco Systems, Inc., v. Arista Network, Inc.; 5:14-cv-05344-BLF (PSG)."
- 11. Attached hereto as Exhibit 10 is a true and correct copy of a continued email exchange between Amy Candido and Elizabeth K. McCloskey dated May 17, 2016 and May 20, 2016.
- 12. Attached hereto as Exhibit 11 is a true and correct copy of an April 15, 2011 email thread including Stephanie Carullo, Dan Smoot, and others bearing Bates numbers CSI-CLI-01575063 through CSI-CLI-01575064 that was cited in Arista's May 4, 2016 email (Exhibit 7).
- 13. Attached hereto as Exhibit 12 is a true and correct copy of a February 28, 2014 email from Drago Sijan to Leonardo Boulton with thread bearing Bates numbers CSI-ANI-00417560 through CSI-ANI-00417561 that was cited in Arista's May 4, 2016 email (Exhibit 7).
- 14. Attached hereto as Exhibit 13 is a true and correct copy of Cisco presentation slides titled, "Arista Competitive Program; Team Call March 22, 2012," bearing Bates numbers CSI-ANI-00056457 through CSI-ANI-00056457.000021 that was cited in Arista's May 4, 2016 email (Exhibit 7).
- 15. Attached hereto as Exhibit 14 is a true and correct copy of a November 21, 2013 email from Soni Jiandani to Woody Sessoms et al. with thread bearing Bates numbers CSI-CLI-03270753 through CSI-CLI-03270757 that was cited in Arista's May 4, 2016 email (Exhibit 7).

- 16. Attached hereto as Exhibit 15 is a true and correct copy of a May 16, 2014 email from Tim Bohlin to Prem Jain with thread bearing Bates numbers CSI-CLI-03225919 through CSI-CLI-03225922 that was cited in Arista's May 4, 2016 email (Exhibit 7).
- 17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the deposition transcript of Soni Jiandani reported on April 29, 2016, that was cited in Arista's May 4, 2016 email (Exhibit 7).
- 18. To date, Arista has already noticed, or taken, the depositions of Andrew Pletcher, Deepak Malik, Drago Sijan, and Soni Jiandani, all of whom were listed as "competitive personnel" in Arista's Supplemental Discovery Plan. In addition, Arista has taken the deposition of John Hartingh, a member of Cisco's team focused on competition with Arista. Moreover, in the ITC Investigations between Cisco and Arista, the deposition and trial transcripts of which are subject to a cross-use agreement in this case, Arista listed "competitive personnel" Soni Jiandani, Cesar Obediente, Andrew Pletcher, and Wayne Ogozaly were deposed by Arista, and Soni Jiandani testified at the ITC.
- 19. Cisco did not list Mr. Chambers on its original or supplemental initial disclosures and will not call Mr. Chambers at trial if he is not deposed.
- 20. In response to Arista's Rule 30(b)(6) Notice identifying 133 topics for deposition, Cisco has designated deponents for all but a few of these topics and is finalizing its designee(s) for the remaining topics, subject to its objections. Cisco has agreed to provide testimony on topics related to competition between Cisco and Arista.
- 21. Of the more than thirty-five people who either wrote or received the "key" emails that Arista cited to try to show that Mr. Chambers has personal knowledge of competition between the companies, Arista has only notified Cisco of its intent to depose three of them. Of those, two depositions have already been taken, and the other has been scheduled.

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	22.	On May 20, 2016, I took part in a telephone call with Elizabeth K. McCloskey.
During	g that ca	ll, Ms. McCloskey stated that Arista was not interested in pursuing an expedited
briefir	g sched	ule for this Motion for Protective Order.

- 23. Attached hereto as Exhibit 17 is a true and correct copy of a May 22, 2016 email from Elizabeth K. McCloskey to me and related thread with the subject line "RE: Cisco v. Arista."
- 24. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the rough deposition transcript of Doug Gourlay reported on May 20, 2016, that was cited in Arista's May 22, 2016 email (Exhibit 17).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 24, 2016, in Redwood Shores, California.

By <u>/s/ Sara Jenkins</u> Sara Jenkins Case 5:14-cv-05344-BLF Document 262-1 Filed 05/24/16 Page 6 of 6

## **SIGNATURE ATTESTATION**

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the "conformed" signature (/s/) of registered ECF User Sara E. Jenkins (Bar No. 230097).

Dated: May 24, 2016 /s/ Amy H. Candido
Amy H. Candido

DECLARATION OF SARA E. JENKINS IN SUPPORT OF CISCO SYSTEMS, INC.'S MOTION FOR PROTECTIVE ORDER Case No. 5:14-cv-05344-BLF (PSG)